

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

EDWIN MARCIAL,)	
)	Case No. 3:20-cv-471
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Debra C. Poplin
DIANA WARNER, LLC and DIANA)	
WARNER BUNDY,)	
)	
<i>Defendants.</i>)	
)	

ORDER

On July 13, 2021, Magistrate Judge Debra C. Poplin filed her report and recommendation (Doc. 30) pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Poplin recommends that the Court: (1) grant in part and deny in part Plaintiff’s motions for default judgment; (2) adjudge Defendants as having breached the parties’ oral contract; and (3) enter default judgment in Plaintiff’s favor in the amount of \$347,248.87. (*See* Doc. 30, at 11.) No party objected to Magistrate Judge Poplin’s recommendation.¹ Nevertheless, the Court has conducted a review of the report and recommendation, as well as the record, and it agrees with Magistrate Judge Poplin’s well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Poplin’s report and recommendation (Doc. 30). Plaintiff’s motions for default judgment (Docs. 23, 24) are

¹ Magistrate Judge Poplin specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive any right to appeal. (Doc. 30, at 11 n.6); *see also* Fed. R. Civ. P. 72(b)(2); *Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”).

GRANTED IN PART and **DENIED IN PART**. Defendants are **ADJUDGED** to have breached their oral contract with Plaintiff. Plaintiff is **AWARDED** damages against Defendants in the amount of \$347,248.87. Plaintiff is **AWARDED** post-judgment interest.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE